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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,309	12/16/2004	Walter Gerlich	2002P03697WOUS	6666
7590	06/23/2006		EXAMINER FIGUEROA, FELIX O	
Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			ART UNIT 2833	PAPER NUMBER

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/518,309	Applicant(s) GERLICH ET AL.	
	Examiner Felix O. Figueroa	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-27,30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-27,30 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/14/2006 has been entered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the coat/over-mold of polymer/elastomer, as required by claim 33, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Please note that the mere addition of a reference numeral is not enough to show a coat or overmolded element.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 36 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 34-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Please note that each tip is not equally space from each other tip (i.e. all other tips), but just from adjacent tips.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-21 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gutter et al. (US 4,696,908).

Gutter discloses a contact device (10,31) for an electrical cable with a cable shield, comprising: an arc-shaped contact part that can be fastened around the sheath of the cable and is provided with contact elements (16) that protrude in a radially inward manner, wherein each contact element includes a tip (42) such that during installation of the contact device in a direction of impact that oriented inwards and in an essentially radial manner, the tip penetrates the cable sheath and produces an electrical contact with the cable shield, wherein the contact part is formed as a cable clip (10,31), wherein a gear ring (defined by 16) is formed from radially inward bent edges of the cable clip being, wherein teeth of the gear ring form the contact elements, wherein the gear ring has a plurality of rigid stops (18) bent radially inward between the teeth, the stops centering the cable when the cable clip is in a fastened state.

Regarding claim 17, Gutter discloses the teeth of the fastened contact clip penetrating the cable sheath such that an electrical contact is provided in an essentially concentric area with respect to the longitudinal axis of the cable.

Regarding claims 18 and 19, Gutter discloses the cable clip is the made from a punched and shaped component of sheet metal section.

Regarding claims 20 and 21, Gutter discloses the contact teeth being triangular and shaped and the tips are arranged at equal distances apart.

Regarding claims 25 and 26, Gutter discloses the teeth being arranged of the peripheral side over gaps (Fig.1).

Regarding claim 27, Gutter discloses the contact part and all the teeth being made from one piece and from the same metallic material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutter et al. (US 4,696,908).

Regarding claims 22-24, Gutter discloses the claimed invention except for height of the tooth. It would have been an obvious matter of design preference to form the sized of the tooth to be smaller than the thickness of the cable sheet and the cable shield in order to reduce the chances of short-circuiting with the inner conductors, and since such modification would have involved a mere change in the size of a component. A change in size is recognized as being within the level of ordinary skill in the art. *In re rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 35, Gutter discloses substantially the claimed invention except for tip of the contact elements being equally spaced. However, it would have been an

obvious matter of design preference to form the tips of the contact elements being equally spaced in order to simplify design and construction of the contact device, and since applicant has not disclosed that such structure arrangement solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with structure of Gutter. Absent any convincing showing of the criticality of the design, this particular design is nothing more than the inventor's choice without thereby departing from the scope of the invention. *In re Dailey*, 149 USPQ 47 (CCPA 1976). Additionally, the structure shown by Gutter accomplishes the function of secure gripping and inhibiting slipping.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutter in view of Rumbach et al. (US 2003/0175550).

Gutter discloses substantially the claimed invention except for the corrosion-resistant material. Rumbach teaches the use of a tin as a corrosion-resistant coating to prevent corrosion and provide a reliable performance. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a corrosion-resistant material, as taught by Rumbach, to prevent corrosion and provide a reliable performance.

Claims 32, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutter in view of Applicant's Admitted Prior Art (APA) in Figure 1.

Gutter, as modified (see discussion on claims 16 and 35 above), discloses substantially the claimed invention except for contact device being connected to a board/support unit. Applicant's APA teaches a contact device (6) grounding a cable to a

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board/support unit. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the contact device of the APA with teeth contact elements, as taught by Gutter, to provide an easier installation and secure grounding.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutter in view of Moyles (US H000968).

Gutter discloses substantially the claimed invention except for the coat of polymer/elastic material. Moyles teaches the use of a coat of polymer/elastic material (14) to avoid damage to the cable. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the contact device of Gutter with a coat of polymer/elastic material, as taught by Moyles, to avoid damage to the cable.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's argument that Gutter does not disclose rigid stops, please note that the stops of Gutter are sufficiently rigid to center the cable and to limit insertion of the tips. See Figure 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Felix O. Figueroa
Art Unit 2833